

August 23, 2013

Re: On Assignment Staffing Services, Inc. Case 32-CA-095025

Joshua J. Cliffe, Esq. Michael G. Pedhirney, Esq. Littler Mendelson, P.C. 650 California Street, 20th Floor San Francisco, CA 94108-2693

Dear Counsels:

This acknowledges the receipt in the Executive Secretary's Office on August 21, 2013 of your electronically-filed "Respondent's Motion to Strike Counsel for the Acting General Counsel's Reply to Respondent's Response to Motion for Summary Judgment and Cross-Motion for Summary Judgment" in this case. Your motion to strike is **denied**.

With respect to motions, it is the Board's policy to allow each party an opportunity to file one response, i.e., the Respondent was permitted to file an opposition to the Acting General Counsel's Motion for Summary Judgment, and the moving party, the Acting General Counsel, was entitled to file a reply to the opposition. See *D.L. Baker*, *Inc.*, 330 NLRB 521 (2000), fn.4. The statement in the Board's July 15, 2013 Order Transferring Proceeding to the Board and Notice to Show Cause that "[a]ny briefs or statements in support of the motion shall be filed by the same date" does not preclude a reply to an opposition filed to the Acting General Counsel's Motion, particularly as there would be no opportunity to reply to the Respondent's Opposition before the July 29, 2013 due date because that is the date that the Acting General Counsel was served with the Opposition. Accordingly, the Acting General Counsel's Reply was properly filed, and has been forwarded to the Board for its consideration.

Very truly yours,

Henry S. Breiteneicher Associate Executive Secretary

cc: Parties